

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
WATER COUNCIL

Appeal of Members of Focus Tamworth

Docket No. 05-07-WC

RECEIVED

JUN 10 2005

MOTORSPORTS HOLDINGS, LLC's MOTION TO INTERVENE WITH CONSENT

NOW COMES Motorsports Holdings, LLC ("Motorsports") and requests permission to intervene as a party in the above-captioned matter and says as follows:

1. Motorsports Holdings, LLC has a place of business at 2 Chester Road, Suite 304 Derry, New Hampshire, 03038. Motorsports is the entity to which the permit at issue in the above-captioned appeal has been granted. As such it is clearly a party in interest with respect to the above-captioned appeal.
2. Attorneys for Motorsports are Susan V. Duprey and Thomas Quarles, Devine, Millimet & Branch, Professional Association, 111 Amherst Street, P.O. Box , Manchester, New Hampshire 03105-0719.
3. Motorsports' rights are directly affected by the outcome of this appeal as it is Motorsports' permit which was granted by DES that is the subject of the appeal and were the appeal to be ruled upon favorably, Motorsports would lose its Water Quality Certification which would severely compromise its intended project in Tamworth, New Hampshire.
4. Given the fact that it is Motorsports' application and Water Quality Certification WQC # 2004-002 that is the subject of this appeal, Motorsports has been intimately involved in the underlying action from which this appeal has been made for many months.

5. In conclusion and pursuant to RSA 541-A:32 and Env-Wc 203.12, Motorsports is clearly a party whose rights will be directly affected by the outcome of the appeal and is therefore entitled to intervene in the appeal proceedings. The Petitioners and Respondent consent to this Motion to Intervene.

WHEREFORE, Motorsports Holdings, LLC respectfully requests that the Council:

1. Grant this Motion to Intervene; and
2. Order such other relief as is just and equitable.

Respectfully submitted,

MOTORSPORTS HOLDINGS, LLC

By its attorneys,

DEVINE, MILLIMET & BRANCH
PROFESSIONAL ASSOCIATION

Dated: June 10, 2005

COPY
Susan V. Duprey, Esquire
111 Amherst Street, P.O. Box 719
Manchester, NH 03105-0719
(603) 669-1000

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was hand delivered this 10th day of June 2005 to Sherilyn B. Young, Esquire and Anthony I. Blenkinsop, Esquire.

COPY
Susan V. Duprey